

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OMEGA SA and SWATCH AG,

Plaintiffs,

-against-

375 CANAL, LLC, JOHN DOES 1 – 50 and
XYZ COMPANIES 1 – 50,

Defendants.

Civil Action No.:
12-CV-6979 (PAC)

NOTICE OF MOTION
[Plaintiffs' Second Motion in
Limine]

PLEASE TAKE NOTICE that, upon the Declaration of Joshua Paul executed August 9, 2017 and the exhibits annexed thereto, Plaintiffs will move this Court, before the Hon. Paul A. Crotty in Courtroom 14C of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order:

1. Pursuant to Fed. R. Evid. 608, 609 and 403, precluding Defendant from inquiring into or offering evidence of: (i) the Non-Prosecution Agreement (the “Agreement”) between Richard Taute and the New York County District Attorney’s Office; (ii) the events giving rise to the Agreement; and (iii) the letter dated January 30, 2014 from Mr. Taute’s counsel to Plaintiffs’ counsel.

2. Pursuant to Fed. R. Evid. 608, 609 and 403, and pursuant to the Fifth Amendment of the United States Constitution, precluding Defendant from inquiring into or offering evidence about Mr. Taute’s invocation of his Fifth Amendment right against self-incrimination at his deposition in this action.

3. Alternatively, in the event the Court declines to award the relief requested above in paragraphs 1 and 2, instructing Defendant to refrain from using the word “bribe”

in referring to Mr. Taute's acts and to refrain from stating or suggesting that Mr. Taute was "disciplined" for those acts.

Dated: Ossining, NY
August 9, 2017

COLLEN
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